

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICARDO GARCIA,

Plaintiff,

v.

MAC EQUIPMENT, INC., et al.,

Defendant.

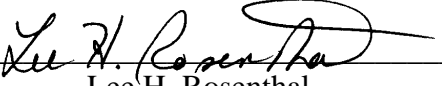
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CIVIL ACTION NO. H-09-902

ORDER

The parties have filed a joint motion for a protective order. Paragraph 14 of the order does not make it clear that under the case law, a higher good-cause showing is required to file documents under seal with the court than to designate them as confidential when they are exchanged in discovery. The paragraph properly states that when documents designated as confidential are filed with the court, they are “conditionally” filed under seal. There should, however, be a provision stating that such materials will not be maintained under seal unless the party designating them as confidential files a motion to do so. Such a motion must be filed 7 days after the filing, must show good cause for sealing the documents, and must state whether the opposing party contests filing the documents under seal. The parties may file a revised agreed protective order consistent with this order no later than June 30, 2010.

SIGNED on June 18, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge